

Walz (MN)	Weiner	Wilson (OH)
Wasserman	Welch (VT)	Woolsey
Schultz	Wexler	Wu
Waters	Whitfield	Wynn
Watson	Wicker	Yarmuth
Watt	Wilson (NM)	

NAYS—120

Akin	Foxx	Pence
Bachmann	Franks (AZ)	Petri
Baker	Frelinghuysen	Pitts
Barrett (SC)	Garrett (NJ)	Platts
Bean	Gingrey	Price (GA)
Biggert	Goode	Pryce (OH)
Billbray	Goodlatte	Putnam
Bilirakis	Granger	Ramstad
Blackburn	Hensarling	Regula
Blunt	Hobson	Rogers (MI)
Boehner	Hoekstra	Rohrabacher
Brown (SC)	Hunter	Roskam
Brown-Waite,	Inglis (SC)	Royce
Ginny	Issa	Ryan (WI)
Buchanan	Jordan	Schmidt
Burgess	Keller	Sensenbrenner
Calvert	King (NY)	Sessions
Campbell (CA)	Kirk	Shadegg
Cantor	Kline (MN)	Shays
Castle	Knollenberg	Shimkus
Chabot	LaHood	Shuster
Coble	Lamborn	Smith (NJ)
Cooper	LaTourette	Smith (TX)
Crenshaw	Lewis (CA)	Stark
Culberson	Linder	Stearns
Davis (KY)	Lungren, Daniel	Tancredo
Davis, David	E.	Terry
Davis, Tom	Mack	Tiberi
Deal (GA)	Manzullo	Turner
Dent	Marchant	Upton
Diaz-Balart, L.	McCotter	Walberg
Diaz-Balart, M.	McCrery	Wamp
Drake	McHenry	Waxman
Dreier	McKeon	Weldon (FL)
Duncan	Mica	Weiler
Ehlers	Miller (FL)	Westmoreland
Feeney	Miller, Gary	Wilson (SC)
Ferguson	Murphy, Patrick	Wolf
Flake	Murphy, Tim	Young (AK)
Forbes	Myrick	Young (FL)
Fossella	Paul	

NOT VOTING—10

Brady (PA)	Fattah	McMorris
Clay	Hastert	Rodgers
Davis, Jo Ann	Johnson, Sam	Peterson (PA)
Engel		Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 2145

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. REYES. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2082 pursuant to House Resolution 388, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. WESTMORELAND. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WESTMORELAND. I make a point of order under clause 9(a) of rule XXI regarding the earmarks in this bill, H.R. 2082. The list of earmarks in this bill fails to meet the requirements of clause 9(a) in that the list is deficient. One of the earmarks listed was included in the bill even though it failed to meet the requirement that the requesting Member notify in writing the chairman and ranking minority member of the committee.

The SPEAKER pro tempore. Under clause 9(a) of rule XXI, the Chair is constrained to ask a threshold question relating to the cognizability of the point of order.

Is the gentleman from Georgia alleging the absence of an entry in the report of the Permanent Select Committee on Intelligence in compliance with clause 9(a) of rule XXI?

Mr. WESTMORELAND. Mr. Speaker, I am saying that under clause 9(a) of rule XXI, that the list is deficient and did not include a notice to the ranking minority member on the committee of the earmark.

The SPEAKER pro tempore. The Chair finds the entry on pages 50 and 51 of the Report of the Permanent Select Committee on Intelligence constitutes compliance with clause 9(a) of rule XXI.

The point of order is overruled.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though it includes an earmark where the requesting Member failed to notify the ranking minority member of his request, as required under clause 17 of rule XXIII?

The SPEAKER pro tempore. The Chair cannot render advisory opinions or respond on hypothetical premises.

Mr. WESTMORELAND. Mr. Chairman, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though the list fails to include an earmark contained in the bill?

The SPEAKER pro tempore. Again, the Chair does not purport to issue such an advisory opinion.

Mr. WESTMORELAND. Mr. Speaker, I don't believe this is a hypothetical situation, but I want to make further parliamentary inquiry, if I could.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though it includes an

earmark where the requesting Member failed to certify he has no financial interest in the earmark?

The SPEAKER pro tempore. The Chair's response must remain the same.

Mr. WESTMORELAND. Finally, one last parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Finally, is the Chair saying that the mere printing of a list of earmarks, or a statement that the bill contains no earmarks, is sufficient to render the point of order against the bill as not recognized by the Chair?

The SPEAKER pro tempore. The Chair can affirm that clause 9 of rule XXI contemplates that the presence of earmarks and limited tax and tariff benefits be disclosed or disclaimed. Complying statements, listing such provisions or disclaiming their presence, must appear either in the report of a committee or conference committee or in a submission to the CONGRESSIONAL RECORD.

Paragraph (a) of clause 9 establishes a point of order. Paragraph (c) of clause 9 requires that such a point of order be predicated only on the absence of a complying statement.

Clause 9 of rule XXI does not contemplate a question of order relating to the content of the statement offered in compliance with the rule. Argument concerning the adequacy of a list or the probity of a disclaimer is a matter that may be addressed by debate on the merits of the measure or by other means collateral to the review of the Chair.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. So, Mr. Speaker, is it my understanding, from your last comments, that even though the rule specifically state that these procedures should be followed, and that they were not followed in this particular instance, that you are going to rule that the list, even though deficient not containing all the earmarks, just the mere fact that there was a list presented, no matter how accurate, that that will stand?

The SPEAKER pro tempore. The Chair would not deign to say what the gentleman understands, but the Chair's statement speaks for itself.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Under the rules, is there any limit to the number of times a Member may ask the identical parliamentary inquiry?

The SPEAKER pro tempore. Recognition is within the discretion of the Chair, and the gentleman clearly did not understand.

PARLIAMENTARY INQUIRY

Mr. MCHUGH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MCHUGH. I thank the gentleman. I have deep respect for the Speaker. He is a great American, in spite of the fact he is a fan of the Boston Red Sox. But I would ask, is it appropriate under the House rules for the Speaker, as a member of the committee, to be ruling on points of order against the bill of which he is a member?

The SPEAKER pro tempore. The gentleman has a point of order. The Chair of course was about to turn the gavel over to another Member and did not anticipate this point of order.

Mr. MCHUGH. Mr. Speaker, if the gentleman will step down, I have another point of order.

The SPEAKER pro tempore. Is the gentleman's point of order with respect to the bill that is before the House?

Mr. MCHUGH. It is to this bill. I think the point of order speaks for itself.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. MCHUGH. Mr. Speaker, is it not against the rules of the House for a member of a committee of a bill before the House to be ruling on that bill and those questions?

The SPEAKER pro tempore. No, it is not.

GENERAL LEAVE

Mr. REYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 2082.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 388 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2082.

□ 2156

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-

related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mrs. TAUSCHER in the chair.

Mr. MCHENRY. Madam Chair, I raise a question of consideration against the legislation before us.

The CHAIRMAN. The question of consideration is not available in the Committee of the Whole.

Mr. MCHENRY. I thank the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

□ 2200

Mr. REYES. Madam Chairwoman, I yield myself such time as I may consume.

Intelligence is our Nation's first line of defense. In a world of asymmetrical threats, it is critical that we detect and disrupt the plans and intentions of those who would do us harm. And it is critical that we conduct intelligence operations in a way that conforms to our laws and to our values as a Nation.

This bill was the product of bipartisan work, and I am pleased that the ranking member, Mr. HOEKSTRA, worked with me over the past several weeks and months to draft this bill. We do not agree on every provision in this bill, but we agree on the larger points, and we agree that intelligence officers in the field deserve our support.

Let me address up front one area where I think there has been some confusion, and that is section 407 of the bill, which asks for a national intelligence estimate on the national security impact of climate change.

We heeded the advice of 11 former 3- and 4-star admirals and generals who have studied this issue and specifically recommended an NIE. They believe that significant changes in global climate may act as a "threat multiplier for instability in some of the most volatile regions of our world."

The ranking member has argued that this work should not divert resources from higher priority items. Our committee staff has spoken with senior Intelligence Community leaders in the administration, and we have been assured that this will not, I repeat, will not divert resources.

The data needed is already available. The administration is already drafting a community assessment on this very issue. And I want to assure the ranking member that we will work with the administration to ensure that nothing will divert resources away from higher priority efforts.

But I also want to be clear; targeted discussion on this topic is a distraction from the key points of this bill. This

bill provides funding for the men and women in the field. Opposition to this bill sends the wrong signal to them.

We are at war, and we face many threats over the horizon. This bill contains robust funding for critical intelligence programs to penetrate the hard targets, such as terrorist networks and countries developing WMD capabilities.

We add funds to both CIA and military elements for human intelligence training. We invest in language training for collectors and analysts and in language translation capabilities. We add funding for sending additional analysts overseas, and we strengthen counterintelligence field operations.

We have added funds to broaden our view so that we are spending, not just on Iraq, but on some of the other global challenges that we face, such as Iran, Russia, East Africa, Latin America and countries in Asia.

We have several provisions that enhance critical oversight. We require quarterly intelligence reports to Congress on the nuclear weapons programs of Iran and North Korea.

We also require that the CIA Inspector General conduct an audit of covert activities no less than once every 3 years. And we require the administration to provide the Intelligence Committees with a full list of all special access programs.

We also require detailed reports to Congress on the use of contractors in the Intelligence Community because their use has grown without adequate oversight, both by Congress and even by the executive branch.

We also require a strategy for implementing a multi-level security clearance system. This will allow patriotic Americans with much needed foreign language skills to serve as translators or linguists in the Intelligence Community.

And we also promote diversity in the Intelligence Community by requiring a strategic plan for implementing the recommendations of a highly regarded diversity panel.

I am of the strong view that diversity is a major strategic asset of the United States, and we have to leverage that asset to our full advantage.

In sum, Madam Chairman, this bill strengthens U.S. intelligence capabilities. This bill, if passed and signed into law, will help the courageous women and men of our Intelligence Community accomplish their mission. They are counting on our support, and tonight I hope we respond.

I urge all my colleagues to support this critical legislation.

With that, Madam Chairwoman, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairwoman, I would like to yield myself 4 minutes.

I would like to begin by thanking my colleague, Chairman REYES, for the cooperative working relationship that we have had as we have gone through this process and as we have developed and built this bill. There are a number of